

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

Objection

DRAWINGS

The Office Action indicates that Figs. 14 and 19 should be designated by a legend such as --Prior Art--.

Figs. 14-19 have been amended by labeling as --Prior Art-- of each Figures as shown above.

Applicant respectfully requests that these objections be withdrawn.

Status of the Claims

Claims 1-33 are pending in this application. Claims 1, 21, 28-30 and 32 are independent. All of the pending claims stand rejected. By this Amendment, independent claims 1, 21, 28-30 and 32 are amended. Dependent claims 4 and 14-16 are also amended for the consistencies of the amended independent claim 1. Claim 22 is cancelled without prejudice or disclaimer. No new matter has been added by this Amendment.

Rejection under 35 U.S.C. §102

In paragraph four (4) of the Office Action, claims 1-7, 11, 12, 14-20, 28, 30 and 31 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,923,371 to Iijima ("Iijima").

In rejecting claim 1, the Examiner states among other things that “the mode change-over switch 15 selects one of the signals based on the luminous condition of the objected [sic] captured by the camera; see, col. 5, line 30+.”

Independent claims 1, 28 and 30 have been amended for further clarification. In particular, each of amended claims 1, 28 and 30 recites “a first focus evaluation value” is formed by integrating a predetermined frequency component of the image signal and “a second focus evaluation value” is formed by detecting a peak value of the predetermined component of the image signal. The amended claims also recite that the at least one of the first and second focus evaluation values are selectively used in accordance with the luminous state of the image signal for a focus adjusting operation. Additionally, the amended claims recite that the selectively used first or second focus evaluation value becomes larger as an image of the object approaches to a focused state as is known in the art.

In contrast, Iijima discloses a peak detection circuit 10 and the edge width detection circuit 18. Applicant notes that Iijima describes that the edge width detection circuit detects information of an width which is large when the object is unsharp and which is smallest in the in-focused state. See, for example, col. 4, lines 35-40 of Iijima.

Accordingly, Applicant believes that the focusing control performed by the edge width detection circuit 18 of Iijima is different from the focusing control of the present invention that selectively uses either one of the first and the second focus evaluation values, and the evaluation values becomes larger as an image of the object approaches to a focused state. Moreover, the switch 15 of Iijima is controlled in accordance with the output from the edge width detection

circuit 18, i.e., in accordance with unsharpness width, not in accordance with the luminance state of the image signal as specifically recited in claims 1, 28 and 30.

Accordingly, each of claims 1, 28 and 30 is believed neither anticipated by nor rendered obvious in view of Iijima for at least the reasons discussed above.

In paragraph five (5) of the Office Action, claims 21-27, 29, 32 and 33 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,614,951 to Lee et al. ("Lee").

Lee discloses an auto focusing apparatus in which a slope of video detect data is obtained and a motion speed of a lens is controlled according to the obtained slope of the video detect data.

Independent claims 21, 29 and 32 have been amended for further clarification. In particular, amended claim 21 recites "a focus adjusting device performing an operation for focus adjustment, said focus adjusting device performing the focus adjusting operation selectively depending upon determination whether a luminous state of the light from the object belongs to a normal image or a peak image." Other rejected independent claims 29 and 32 have similar features to amended claim 21 as discussed herein.

Applicant believes that Lee fails to show or suggest an auto focusing apparatus in which a focus adjusting operation is performed based on a luminous state as specifically recited in the amended claims.

Accordingly, each of claims 21, 29 and 32 is believed neither anticipated by nor rendered obvious in view of Lee for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 21, 28, 29, 30 and 32 under 35 U.S.C. §102 is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because

Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

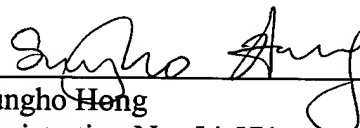
AUTHORIZATION

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4642). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

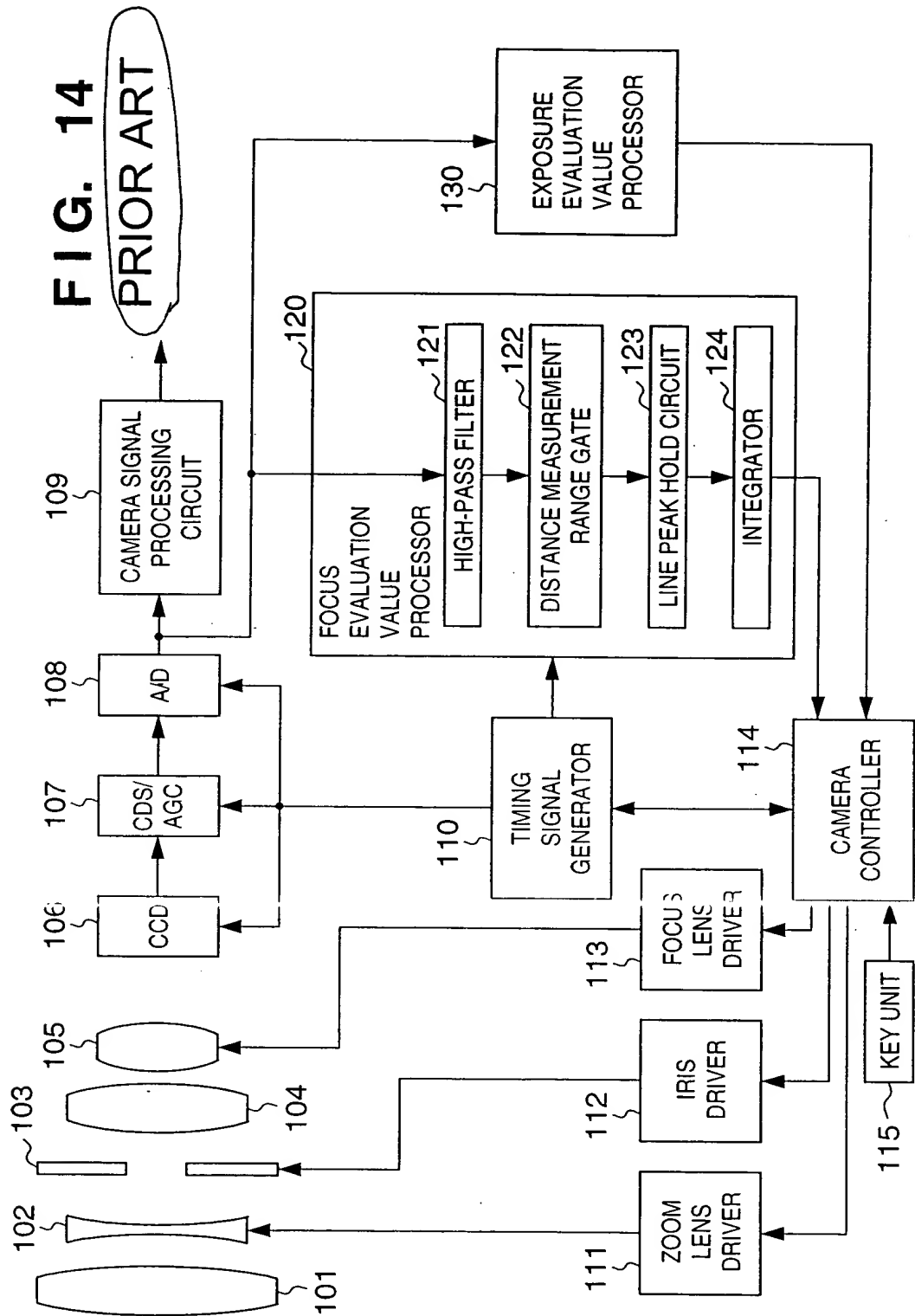
Dated: November 2, 2004

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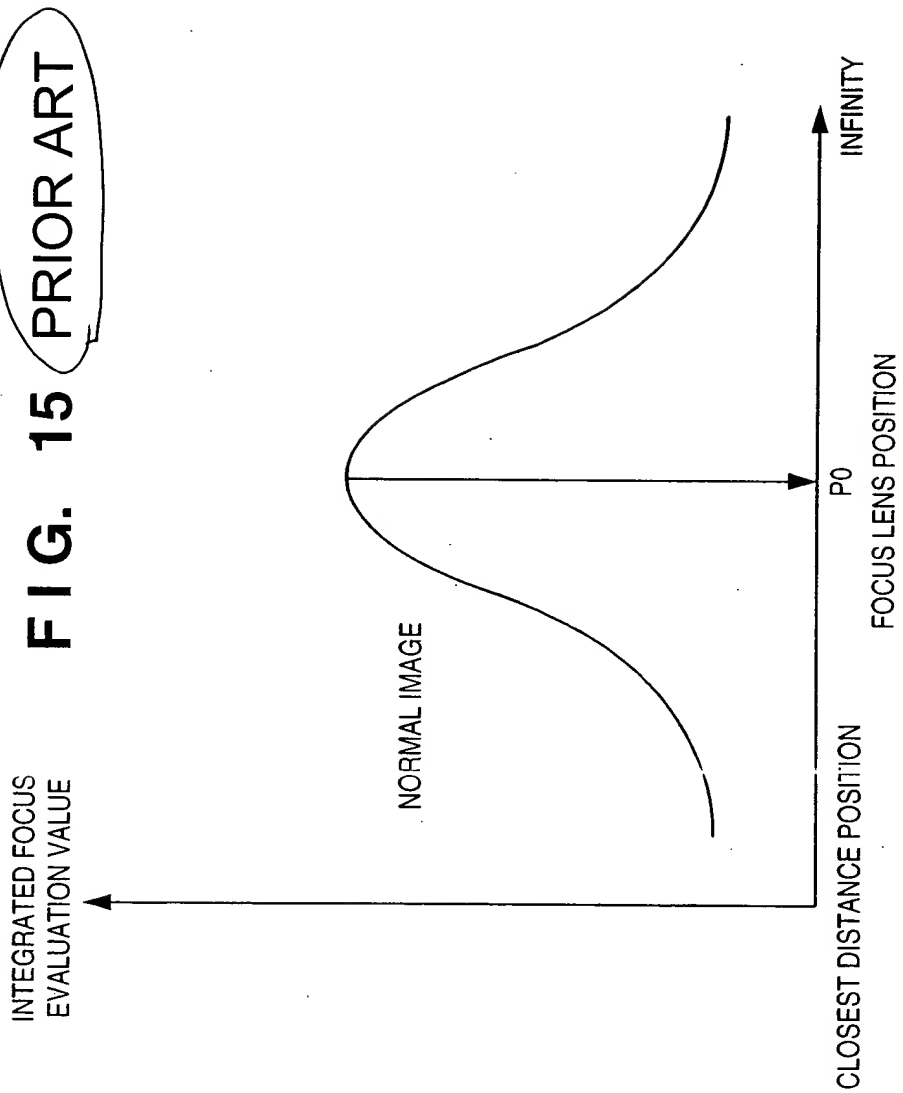
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 Annotated Sheet Showing Changes





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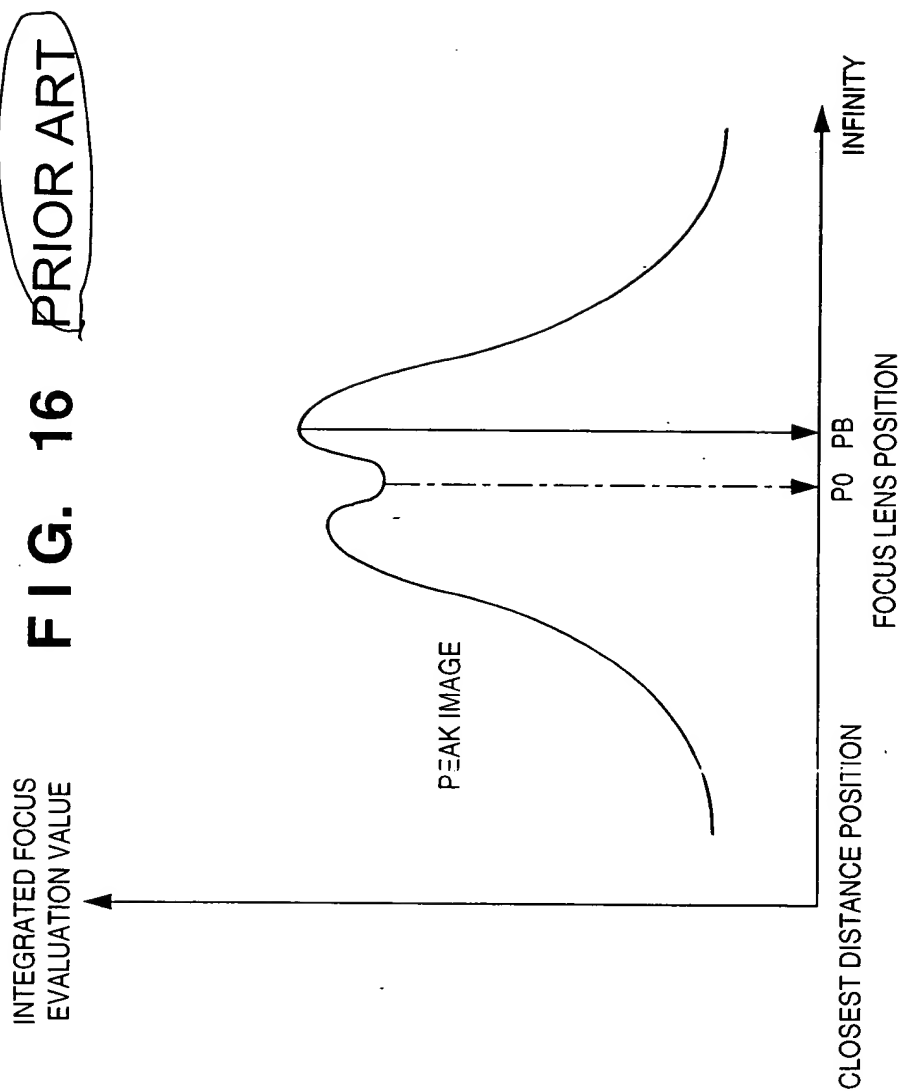
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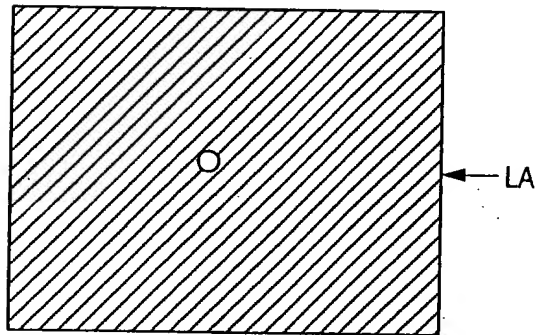


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FIG. 17

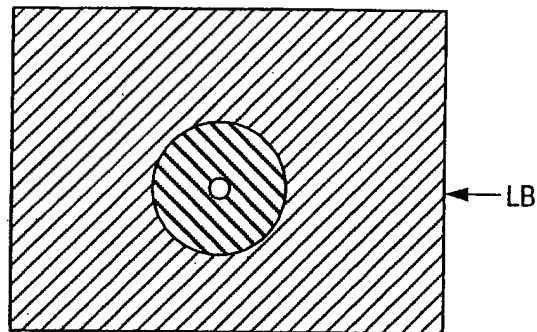
PRIOR ART





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FIG. 18 **PRIOR ART**



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